

10:15 am, Oct 09 2020

1:20-mj-2579 TMD

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Patrick Straub, of the Federal Bureau of Investigation ("FBI"), being duly sworn, depose and state as follows:

1. This affidavit is being submitted in support of a Criminal Complaint charging FRANK WILLIAM ROBERTSON PERRY with being a prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

PROBABLE CAUSE

2. All of the facts and circumstances set forth in the Affidavit submitted in support of the Application to Search PERRY's residence, which is attached hereto as Exhibit 1, are re-alleged and fully incorporated herein.

3. At approximately 7:08 p.m. on October 7, 2020, law enforcement agents executed the search warrant at PERRY's residence. Agents found and seized a number of items in the basement bedroom, which Elliott confirmed she shared with Perry. Items included: a black tactical vest containing two ballistic plates located on the interior of the vest; two loaded rifle magazines located in pouches affixed to the exterior of the vest; a third loaded rifle magazine located on top of the vest; an Anderson Manufacturing rifle model AM-15 bearing serial number 20034967 which was partially concealed behind a nightstand¹; eight rounds of .223 caliber ammunition located inside of a black box in a nightstand; and other firearms related accessories.

I know from my training, knowledge, experience and the training, knowledge, and experience of others involved in this investigation that Anderson Manufacturing firearms are not made in the state of Maryland. As the firearm at issue in this case was purchased from a Federal Firearms

¹ This serial number matches the serial number listed on the ATF Form 4473 for the lower receiver purchased by ELLIOTT at the Gun Shop in April 2020.

Licensee in the state of Maryland, I know that the Anderson Manufacturing AM-15 lower receiver bearing serial number 20034967 necessarily travelled in, and affected, interstate commerce.

4. KIMBERLY ELIZABETH ELLIOTT was present in the residence at the time of the search. ELLIOTT, who was not in custody, agreed to a voluntary interview. ELLIOTT stated that she had purchased the AM-15 lower receiver in April at the suggestion of PERRY who said that she needed the weapon for self-defense. ELLIOTT advised that she learned that PERRY was obtaining firearm parts and shipping them to the residence in her name. ELLIOTT said that she was never involved in building the rifle, but that PERRY had done so with assistance from a neighbor. ELLIOTT also claimed that she had once seen PERRY wearing the body armor with the rifle slung around his neck while he washing dishes in the house.

5. At approximately 9:05 p.m., PERRY was taken into custody while he was en route to his residence. Law enforcement agents transported PERRY to the FBI Baltimore office where he was advised of his constitutional rights. PERRY waived those rights and consented to a custodial interview. In the interview, which was recorded, PERRY claimed that the purchase of the lower receiver was ELLIOTT's decision and that the purpose of the purchase was for her self-defense because he was on the road a lot due to his work. PERRY admitted that ELLIOTT had no involvement in building the rifle. Instead, he built it himself with the assistance of a neighbor. PERRY insisted that it was Elliott's weapon, but conceded that the FBI would probably find his fingerprints on it. PERRY admitted that he would have used the weapon himself for self-defense if put in a position that it was necessary. PERRY claimed that neither ELLIOTT nor PERRY had ever fired the weapon.

CONCLUSION

6. Based on the above information, I believe probable cause exists to support the issuance of a Criminal Complaint charging FRANK WILLIAM ROBERTSON PERRY with being a prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

Patrick Straub

Patrick W. Straub
Special Agent
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 9 day of October, 2020.

Thomas M. DiGirolamo

The Honorable Thomas M. DiGirolamo
United States Magistrate Judge
District of Maryland